

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE TERRORIST ATTACKS ON** :  
**SEPTEMBER 11, 2001** :

**03 MD 1570 (RCC)**  
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**THOMAS E. BURNETT, SR., et al.,** :

**Plaintiffs,** :

**02 CV 6977 (RCC)**  
:  
:

**v.** :

**AL BARAKA INVESTMENT AND** :  
**DEVELOPMENT CORP., et al.,** :

**NOTICE OF MOTION**  
:  
:

**Defendants.** :  
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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Graham Walker, executed on April 7, 2004, the Memorandum of Law submitted in support of this motion, and all prior pleadings and proceedings herein, Defendant DMI Administrative Services S.A., by their attorneys White & Case LLP, will move this Court on \_\_\_\_\_, 2004, at \_\_\_\_\_ a.m., or as soon thereafter as counsel may be heard, before the Honorable Richard C. Casey, United States District Judge, United States District Court for the Southern District of New York, at the United States Court House, 500 Pearl Street, New York, New York, for an Order pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing all claims against DMI S.A. in the Third

Amended Complaint with prejudice, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
April 9, 2004

Respectfully submitted,

**WHITE & CASE LLP**

By: \_\_\_\_\_  
James J. McGuire (JJM-5390)

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